

TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS



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Executive Director, TBHEC

Sarah Faszholtz, MBA
Board Administrator, TSBEMFT

MINUTES

Friday, July 23, 2021

The Texas State Board of Examiners of Marriage and Family Therapists met via Zoom video conference on July 23, 2021. The following Board members were in attendance: Lisa V Merchant, PhD, LMFT, Chair; Anthony Scoma, DMin, Vice Chair; Russell F Bartee, PhD, LPC-S, LMFT-S; Jodie Elder, PhD, LPC-S, LMFT; George Francis, IV, MBA; Evelyn Husband-Thompson; Jeanene L Smith, MA, LPC, LMFT-S; and Richmond Stoglin, MPA, DMin, LMFT. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Brian Clark, TSBEMFT Attorney; and Sarah Faszholtz, TSBEMFT Board Administrator.

1. The meeting was called to order at 8:38 a.m. by Chair Merchant.
2. The Board considered Item 2: approval of April 16, 2021, minutes of the videoconference Board meeting. Chaplain Stoglin made the motion to approve the minutes. Rev. Dr. Scoma seconded the motion. The motion carried.
3. The Board considered Item 3: Board review and possible action regarding appeals of application for licensure denials, including
 - Jonathan Malley, who was in attendance: Rev. Dr. Scoma made the motion to grant Mr. Malley upgrade to LMFT license contingent upon Mr. Malley's agreement to an Eligibility Order, including specified requirements for probated suspension and other stipulations set in the order. Chaplain Stoglin seconded the motion. Mr. Malley stated that he understood LMFT license would only be granted if he agreed to the stipulations in the order. Mr. Malley stated that he understood failure to comply with the order would result in suspension of his LMFT license. The motion carried.
 - Dena Roberts, who was in attendance with her attorney, Amanda Ellis: Mr. Francis made the motion to deny Dr. Roberts appeal to waive LMFT license requirements. Ms. Smith seconded the motion. The motion carried. A number of board members encouraged Dr. Roberts to continue with the process of gaining required supervised experience as dictated by statute and rules.
4. The Board considered Item 4: Board review and possible action regarding agreed orders to be executed by the Board. There were none.
5. The Board considered Item 5: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH). There were none.
6. The Board considered Item 6: Report of agreed orders executed by the Council's Executive Director. There were none.
7. The Board considered Item 7: Report of cases dismissed by the Council's Executive Director. Ms. Faszholtz provided staff's report in meeting materials.

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8. The Board considered Item 8: Status report of quarterly enforcement case activities. Ms. Faszholz provided staff's report in meeting materials.
9. The Board considered Item 9: Report of compliance with agreed orders. Ms. Faszholz provided staff's report in meeting materials and provided update concerning staff's contact respondent and receipt of late jurisprudence exam as well as explanation of staff's ongoing interaction with respondents and assessment of respondents' good-faith effort to comply with orders.
10. The Board considered Item 10: Report from Committee Chairs per Title 22 of the Texas Administrative Code, §801.11(f):
 - A. Report from Ethics Committee Chair Rev. Dr. Scoma. Rev. Dr. Scoma gave the report, noting that on May 20, the Ethics Committee members served on two informal settlement conferences. One agreed to the order. The second countered the proposed order and the counter-offer was rejected. This case will be forwarded to SOAH.
 - B. Report from Licensing Standards Committee Chair Dr. Merchant. Dr. Merchant gave the report, noting that the Licensing Standards Committee met in early June concerning
 - excess practicum award, for which no recommendation was made;
 - AAMFT supervisor candidate's eligibility for supervisor status, for which the Committee awaits completion of Ms. Faszholz' research;
 - creation of matrix for military training and experience, which the Committee determined was too diverse and applicants too few to warrant continued resources to develop and maintain matrix, so the Committee recommended continued review on a case-by-case basis; and
 - streamline of exam approval process; for which the Committee recommended rule change. See agenda item 12B below.
 - C. Report from Outreach Committee Chair Dr. Merchant. Dr. Merchant gave the report, noting plan to meet in August or early September.
 - D. Report from Professional Development Committee Chair Husband-Thompson. Mrs. Husband-Thompson gave the report and provided written report in board member's meeting materials, noting the Professional Development Committee met on June 24, reviewed the Committee's functions, discussed structure of the jurisprudence exam and the work of the Council's Standardization Work Group, and instructed staff to submit one new and one revised question and answer set to the vendor.
 - E. Report from Rules Committee Chair Mr. Francis. Mr. Francis reported that the Rules Committee has not met but plans for future meeting.
11. The Board considered Item 11: Discussion and possible action regarding jurisprudence exam.
 - A. Discussion and possible action concerning the quarterly summary from the Texas State Board of Examiners of Marriage and Family Therapists' Jurisprudence Exam vendor. Ms. Faszholz provided vendor's report in the meeting materials along with additional information. No action was taken.
 - B. Discussion and possible action related to changes in the Board's Jurisprudence Exam. No action was taken.
12. The Board considered Item 12: Discussion and possible action concerning recommendation to the Texas Behavioral Health Executive Council (Council) of proposed rule changes to align with statute, 3 Texas Occupations Code, §502.254 *License Examination*, and streamline exam approval process in 22 Texas Administrative Code (22 TAC):
 - A. §801.2 *Definitions* of LMFT and LMFT Associate: Dr. Elder made the motion to recommend to the Council staff's suggested changes with the addition of words in statute for each definition. Chaplain Stoglin seconded the motion. The motion carried.
 - B. §801.74 *Application to Take Licensure Examination*.: Dr. Bartee made the motion to recommend to the Council Licensing Standards Committee's suggested changes (as drafted by staff). Ms. Smith seconded the motion. The motion carried.

13. The Board considered Item 13: Discussion and possible action regarding public comment on proposed rule (published in the June 18, 2021 *Texas Register* [46 TexReg 3694] and recommendation to the Council concerning adoption of 22 TAC §801.205 regarding *Remedy for Incomplete License Requirements*. Rev. Dr. Scoma made the motion to recommend to the Council adoption as proposed. Chaplain Stoglin seconded. The motion carried.
14. The Board considered Item 14: Report and update regarding Attorney General opinion regarding Executive Council's authority to adopt rules to impose disciplinary action for certain discriminatory conduct by licensees. Director Spinks gave the report and update.
15. The Board considered Item 15: BHEC Executive Director report and update. Director Spinks gave the report, including anticipated end of Governor's suspension of certain Open Meeting Act requirements and plans for future board meetings, information regarding biennial budget process and policy that impacts funds for board member travel
16. The Board considered Item 16: Report from the Board Chair. Dr. Merchant gave the report, noting her own presentations in April at Texas Woman's University and in May at TAMFT Student Conference; her plans to attend as board delegate to AMFTRB Virtual Delegate Meeting and CLEAR Virtual Conference in September; presentation planned for November at TCA Conference by Dr. Elder, Dr. Bartee, and Ms. Smith; AMFTRB's teletherapy survey and other research concerning telehealth, ethics and training; AMFTRB's summary of court case, concerning LPC providing services across jurisdictions; TAMFT Conference scheduled for April 8, 2022, which requires change to tentatively scheduled board meeting; and thanked staff for work in providing timely help to students, applicants, and licensees as well as completing timely application reviews.
17. The Board considered Item 17: Report from the Board's Delegates to the Texas Behavioral Health Executive Council. Ms. Smith gave the report, noting work by Standardization Work Group and leading discussion on what items board members wanted to hear about. Mr. Francis: remarked that numbers show progress and encouraged staff's continued efforts toward sustainable and repeatable processes that benefit applicants and licensees while maintaining public safety.
18. The Board considered Item 18: Report from the Board Administrator. Ms. Faszholz gave the report, noting an increase in inquiries about technology-assisted services since March with slight tapering in recent weeks; and reminding that as of August 1, 2021 all MFT Supervisor Applications must be submitted online. Mr. Speer reported supervisor's portal in process.
19. The Board considered Item 19: Discussion and possible action regarding future priorities and activities of the Board. Ms. Smith requested the appropriate committee review rules concerning continuing education and continuing education providers because these elements would be coming up in Standardization Work Group's efforts.
20. The Board opened Item 20: Public comment: Pamela Bermender, LMFT-S, Member of the Governmental Liaison and Continuing Education Committee of the Christian Counselors of Texas, appreciated the work Board members and staff are doing to establish this new entity in BHEC, which seems to be very beneficial to the State of Texas, during pandemic with its ongoing repercussions; impressed with the level of detail and diligence the Board Members take with each item while balancing actions to assure public protection; and especially thanked Director Spinks for his report and update concerning the AG Opinion as well as explanation of proposed rule changes.
21. The Board considered Item 21: Announcements and comments not requiring Board action. Dr. Bartee announced Christian Counselors of Texas Annual Conference is rescheduled to August 2021 in San Antonio.
22. The meeting was adjourned at 1:17 p.m. by Chair Merchant.